on. A motion was made to dismiss an action on failure of prosecution. The motion was op-posed on the ground that the new rules of the supreme Court have deprived the defendant of the right to dismiss a complaint on motion for failure of prosecution, his remedy being to place the cause on the calendar, wait till it is reached, and take such default as plaintiff may then give him. The new rules of the Supreme Court in this regard went into operation on the list inst., rule thirty-two, which gave that right, having been expunged. Judge Daly took the papers. tion on fatture of prosecution. The motion was on

By Judge Larremore.

Kate Wood vs. Jacob Ziegler .- Motion for a new

The February Term. During the month of February, commencing Mon-day the 6th, the Equity Term of this court will be held in Chambers and the calendar will be called at twelve o'clock each day. Chamber business will be transacted in the same room between the hours of ten and twelve o'clock during the month. Judge Robinson will preside at Chambers; Judge Larre-more at Equity Term; Judge Low at Trial Term, Part 1, and Judge J. F. Daly at Trial Term, Part 2.

COURT CALENDARS-THIS DAY.

SUPREME COURT—GENERAL TRUM.—Before Judges Ingraham, Barnard and Cardozo.—Nos. 288, 318, 319, 320, 321, 322, 323, 325, 326, 227, 328, 329, 331, 336, 337, 338, 339, 340.

SUPREME COURT—CHAMBERS.—Before Judge Sutherland.—Nos. 64, 141, 162, 164, 209, 210.

MABINE COURT—TRIAL TERM.—Part 1.—Before Judge Curtis.—Nos. 4095, 4987, 4929, 313, 5015, 5016, 5017, 5018, 5019, 5021, 5024, 6025, 5026, 5028, 5029.

Part 2.—Before Judge Gross.—Nos. 4762, 4317, 475426, 5055, 4869, 4936, 5005, 5006, 5007, 5008, 5009, 5012.

BROOKLYN COURTS.

UNITED STATES COMMISSIONERS' COURT.

A Liquer Dealer in Trouble.

James W. Hunter, a liquor dealer, doing business at No. 72 Fulton street, was arrested yesterday on the charges of drawing off spirits without effacing the stamps and brands on the packages, and of having a wholesale liquor dealer's sign on his es-tablishment without paying the special tax required by law. He was held to ball to answer.

SUPREME COURT-CIRCUIT-PART 1.

Action for Alleged Malicious Prosecution-Damages Awarded.

Emily Smith vs. John Kaufman.—The plaintiff brought suit to recover damages in the sum of \$10,000 for alleged malicious prosecution. She alleged that she was arrested on the 11th of March last at the instance of defendant, who charged her with having threatened to set fire to the premises, where both parties to this suit resided. She was held for several days and then discharged for want of

evidence.

The defence was that the woman did threaten to fire the premises in question, and that Kaufman withdrew the charge against her (by consent of Justice Lynch) upon the promise that she would behave herself in future.

The jury rendered a verdict in favor of plaintiff and assessed damages at \$100.

SUPREME COURT-CIRCUIT-PART 2

Suit on a Promissery Note-Alleged Fraudulent Representations.

Waliam Gamore vs. W. S. Van Duke and homas B. Byrne.—This was an action to recover the amount of a promissory note for \$1,425, given on April 1, 1869, to plaintiff by the defendant, Van

on April 1, 1869, to plaintiff by the detendant, Van Dyke, and endorsed by Byrne. Plaintiff claimed that he sold out a street sprinkling route in New York, to detendant, Van Dyke, and received the note, which was for nine months, in payment.

On the part of the defence it was claimed that Van Dyke understood that the amount of the note was to be paid out of the profits of the route, and further, that the note was obtained by plaintiff by false and fraudulent representations, which damaged Van Dyke to the amount of \$2,000. He therefore set up a counter claim for that amount. Byrne fore set up a counter claim for that amount. Byrne claimed that he signed the note under a misapprebension, that he never received any consideration for it, and that it never had any legal inception, in-assumen as it had been obtained by false representa-

tions.

The witness by whom the defendants proposed to prove the alleged false representations falled to appear, and there being no other witnesses called, the jury were directed to render a verdict for plainting for \$1,633, including interest.

COURT OF APPEALS CALENDAR

ALBANY, Feb. 2, 1871.

The following is the Court of Appeals day calendar for February 3:—Nos. 76, 77, 78, 60, 79, 82, 54, 59.

EMIGRATION AFFAIRS.

ducing the Commutation Tax.

A meeting of the Board of Commissioners of Emigration was held at Castle Garden at two o'clock yesterday afternoon, Commissioners Bell, Hart, Schack, Barr, Nicho'son and Wallach present; Richard O'Gorman in the chair. The minutes of various standing committees were read and approved. A special committee to whom was referred the subject of investigating the practicability of reducing the present rate of commutation reported that they had invited the representatives of the various shipping houses to meet them in consultation on the matter, and that they found that the gentlemen representing the shipping interests of the port of New York were unanimous in support of the commission as at present existing, under authority of the State of New York, and equally in favor of a REDUCTION IN THE RATE OF COMMUTATION.

The committee thereupon recommended the reduction of the commutation tax from the present rate of two dollars and a half to one dollar and a half per head. After the shower eport was received and adopted Commissioner J. B. Nicholson moved the following preamble and resolution: the subject of investigating the practicability of re-

If per head. After the above report was received adopted Commissioner J. B. Nicholson moved following preamble and resolution:—

Whereas it is the design of this Board to conduct its busi-pess with the least possible expense consistent with due re-gard to the proper support of the immigrants in its charge, and with the least possible embarrassment to the shipping interests of the port of New York; and whereas a committee of the Board having conferred with the representatives of the various shipping houses in this city have reported in favor of a reduction of commutation to the sum of one dollar and a half, instead of two dollars and a half, the present rate, now, therefore.

ow, therefore,
Resolved, That this Board do report to the Legislature of
he State of New York, now in session, its intention to carry
m the business of the Commission on the basis of one dollar
and a half per head commutation money, provided the Legisature approve the same.

President O'GORMAN then notified the Board that

THE WILLIAMSBURG GHOUL.

xaggerated Reports Concerning His Doings Toward the latter part of December last, while we respectable German ladies-Mrs. Kunselman Mrs. Rhineherd-were on their way to the Ger on Catholic church in Montrose avenue, Williams rg, a boy, apparently about sixteen years of age ing a gray jacket and a soft felt hat, suddenly ne behind them and assaulted them with a knife some other sharp instrument, and immediately some other sharp insertuncts, and immediately a way. The facts of this proceeding were rerted to Captain Mullen a few days afterward, and
notified his officers. Nothing more was heard of
e mysterious boy until the evening of the 28th of
comber, when he attacked Miss Amelia Henrice, seember, when he attacked Miss Amelia Henrice, No. 102 Montrose avenue and drew a knife across retemple, inflicting an ugly gash. On the of January he assumed and maimed iss Lizzie Baker, of No. 155 Montrose enue, and from that time until the ening of the 20th of January nothing was heard him, the police all the while being in search of m. On that evening he murderously assaulted iss Anne Blinkhoff, of 142 Remsen street, and Agness Lyssie, of Grand street and Graham ave-while they were on their way to their homes, stacts were reported in the Herallo at the time caused a profound sensation in Williamsburg, since that time no authenticated case of the has come to the knowledge of the police, ribeless, day after day sensational and base-reports of the doings of this evil genius have found in various New York and Brookiyn hals, and at the present time so great is the manipulation of Williamsburg that none of them be induced to leave their homes without ris.

THE CIRCUS IN COURT.

Exhibition at Jefferson Market-A Pad

Rizarelli Brothers, accompanied by Charles tie, the well known circus rider, appeared at son Market yesterday, and stated to Judge Cox twhile they were performing at Tammany Hall on months ago they lost a very valuable "pad" (a minr kind of saddie used by circus riders), which is then with their other enects. The "pad" was mid in the possession of Mr. Meiville the other day. Meiville, who is a very minmate friend of the rothers," says he bought the article in question in Mr. Abbott, the clown.

udge Cox Issued a summons for Mr. Abbott's aparance to day; also a summons for Harry Palmer, then manager of Tammany, and a third for the frifmilly.

mily.
will be talent enough at the Market to-day

THE TAYLOR WILL CASE

The Testimony All In and a Trues of Twelve Days Agreed Upon.

YESTERDAY'S CLOSING PROCEEDINGS

The long excitement caused by the most remarkble drama in domestic life that has occupied the especial attention of a Surrogate's court; the ability and acumen of an array of counsel equal to the oc casion in every respect—not omitting that of pocketing the fees; of litigants who have so large a pecuniary interest at stake; of witnesses more or less interested in the result, and of the general public, who have their own share of curiosity in a domestic drama, the main incidents of which are drawn from actual life, has at length come to the last chapter but

one before the denouement.

Yesterday at half-past twelve the learned counsel engaged on either side in the great Taylor will case temporarily rested from their labors, doffed their professional armor, threw aside for the nonce all he rancor of the late contest, and, no doubt to the surprise of their several clients, were as jolly "a Jack fellow well met" set as could well be conceived. The truce arranged, with the sanction of the Judge of the Lists—Surrogate Hutchings—be-tween the principals and their knights extends from the close of the session yesterday till next Tuesday week. The interval is all required by the official stenographer of the court to transcribe his notes of the weak points and the strong points in the defensive and offensive armor of the protestants and the contestants alike, so that the judge of the lists himself shall decide—after hearing some eloquent palaver, probably, from counsel, which might as well be addressed to the man in the moon, however-on which side the weight of testimony rests as to the validity or spuriousness of the will.

Messrs. Stoughton and Andrews, who ably de-

fended the interests of Mrs. Taylor, and Mr. Clinton and his associates, upon whom felt the burden of the case for the contestants, so cleverly sustained, were unanimous in commendation of the tar and impartial conduct of the trail by the learned Surrogate from its opening to the close,

Nothing remains now but to sum up the case, the opening of which is fixed for next Tuesday week. The court yesterday was, as usual, crowded in every part, and the greatest interest was manifested by the audience from the opening to the close of the

ABSENCE OF A WITNESS.

When the court opened, at ten o'clock, and the Surrogate called the case, it was discovered that an important witness was absent. This was Mr. John Owen, the reputed author of the will in dispute.

The following conversation then occurred between the Surrogate and the counsel for the contestants:—Surrogate to counsel—Where is the witness, Mr. Andrews !

The following conversation then occurred between the Surrogate and the counsel for the contestants:—Surrogate to counsel—Where is the witness, Mr. Andrews?

Mr. Andrews—He was served with a subpoena the day before yesterday, at his house, three miles outside of Brooklyn. He was

ANXIOUS TO BE INFORMED,
for what reason I cannot say, whether he was wanted by Mr. Chinton or by myself. He was afterwards seen at his office, although he pleaded sickness, and yesteroay your Honor granted an attachment for him. I had the attachment sent to the Sheriff of Kings county, and subsequently to the Sheriff of this; but the return has not been made as yet. I see the Deputy Sheriff in court now.

At his juncture a small, white-faced young man in a monkey jacket rolled up to the railing, and in reply to a question put by the Surrogate said that he could not find Mr. Owen anywhere.

Surrogate Hutchings—Well, go and look for him until you do find him, and bring him here,
Exit the young man in the money Jacket.

Mr. Chinton was then asked by the Surrogate if he had any witnesses present. He replied that he wanted Mr. Mudgett recalled for the purpose of disproving by his testimony a portion of the testimony of George Duryea.

MR. MUDGETT RECALLED AND EXAMINED.

Witness—Did not see George Duryea the day before he gave evidence in this case; I met him the day before I was subpœnaed, in Pine street; he came up and spoke to me.

Q. Did he say that "they" tried to get him to forge

ap and spoke to me.

Q. Did he say that "fley" tried to get him to forge a will at Mrs, Taylor's house? (Ojected to).

Mr. Stoughton called attention to the fact that an attempt was about to be made to introduce into the

Mr. Stoughton called attention to the fact that an attempt was about to be made to introduce into the testimony irrelevant and scandalous matter for which there was no foundation.

Mr. Clinton said that his duty to his client compelled him to insist upon his right to put in important evidence, and no consideration would prevent him. George Duryea yesterday denied having used the language attributed to him, and the witness on the stand could contradict nim.

The Surrogate refused to admit the question, on the ground that there was no foundation for it.

By Mr. Clinton—At what time during the examination of the office of Mr. Taylor did General Spinola arrive? General Spinola arrived about the time that the seals were being put on the boxes of papers.

At this point Mr. Clinton said that he expected Mr. Marsh immediately. Until the arrival of Mr. Marsh, about half an hour afterwards, the audience amused themselves by whispering together and canvassing the pros and cons of the case.

MR. LUTHER R. MARSH AGAIN.

Mr. Marsh entered and took his seat in the witness chair, as it seemed, very reluctantly. Mr. Clinten desired to ask him concerning an alleged remark of Mr. Robert Murray at the funeral of Mr. Taylor, as follows:—'By G—d. a will shall be found!' with the view of contradicting Murray, who said on his examination, "There was not a word said about the will at the funeral."

Mr. Andrews objected, and a discussion arose, re-

view of contradicting Murray, who said on his examination, "There was not a word said about the will at the funeral."

Mr. Andrews objected, and a discussion arose, resulting in the refusal of the Surrogate to admit the testimony. He said "Do you make an allegation that Mr. Murray is a party to the forging of this will?"

Mr. Clinton—I made no allegation save those that are on the record in this case.

The Surrogate—I will exclude the question.

By Mr. Clinton—Did you have a conversation with Mr. Murray in the Surrogate's office, in which you stated in reference to the will, "That is Mr. Taylor's signature?"

stated in reference to the will, "That is Mr. Taylor's signature?"

Q. Did you say anything to that effect? I did not.
Q. Did you say this thing is all correct or anything substantially like it? I did not.
The surrogate here objected to the further questioning of the witness on these points, on the ground that all the testimony had been taken before.
Q. Did you state to Mr. Jones, in reference to the will, "That is satisfactory; there is no doubt about that being Mr. Taylor's signature?" A. I recoilect the conversation I had with Mr. Jones, and he must have

have

MISRECOLLECTED THE CIRCUMSTANCE;
I stated to him that I saw the will at the Surrogate's office, and the signature resembled Mr. Taylor's, but it was better and more regular than I over knew him to write: I have no recollection of saying "the will was genuine, and there was no ground for a contest."

will was genuine, and there was no ground for a contest."

Mr. Clinton offered in evidence a mortgage for \$150,000 on the Georgia Railroad, which had not been recorded until two days before Mr. Taylor's death, with the view of showing that it was the paper the deceased expressed so much anxiety about at the time of his death, as referred to by Dr. Quackenbos. (Excluded.)

By Mr. Stoughton—Were you not applied to by Henry Howland within a week after the death of Mr. Taylor to draw up Mrs. Howland's with, and did you not draw such a will?

Objection being offered. Mr. Stoughton rose and addressed the Court to argue his right to have the question answered. He proposed to show that Mr. Marsh went into confidential relations with Mr. Howland, and that that circumstance went to impeach the accuracy, to put it delicately, of the witness' testimony. (Excluded.)

Mr. Andrews—He (Mr. Hewland) had the will so drawn that all the money he thought his wife was about to get would be left to him. drawn that all the money he thought his wife was about to get would be left to him. Mr. Clinton—Your Honor, I object to my client being insulted in this way in open court.

close of the testmony.

The Surrogate—That is enough; there is no necessity for going into that matter.

This closed the testmony on both sides, and a discussion arose as to the time of summing up. Mr. Clinton wanted to have the day for the summing up

three weeks hence.

The Surrogate said that he did not see why the summing up could not take place earlier. After some remarks he finally fixed the date for THE ORATORICAL EFFORTS OF COUNSEL. for next Tuesday week. The court will meet on that day at eleven o'clock, when Mr. Chinton will some up.

that day at eleven o clock, when are clinton will sum up.

There was a considerable stir in court when this announcement was made. His Honor then left the bench, and soon after the previously crowded court room was embty. So ended the last really interest-ing chapter but one—the decision by Surrogate Hutchings, yet to come—of the domestic drama of the day.

WASHINGTON RUMORS FROM THE WEST.

[Washington (Jan. 30) correspondence of the Indianapolis Journal.]

It is stated here that the Indiana Legislature can
not meet between March 8, 1871, and the middle of
January, 1873, and that the Governor has the power
to fill a vacancy in the United States Senate. It is
considered certain that Senator Morton will resign
early in March and assume the duties of Secretary of State, Mr. Fish retiring. In this event it is
believed that Governor Baker will appoint Hon. G.
S. Orth as Senator.

THE GEORGIA CONGRESSMEN.

(From the Augusta (Ga.) Constitutionalist, Jan. 26,1
Hon. Nelson Titt left last night for Washington
city. We understand that after waiting patiently
for several weeks to get the Governor's certificate
he failed to get it. Why the Governor refused to
give him a certificate we are at a loss to imagine.
The subject of granting him a certificate was referred to Justices Brown, Lochrane and McCay, but
they failed to agree. Mr. Tift, however, obtained a
certificate from Judge Cotting, Secretary of State,
showing the official count of the votes in the Second
district.

BLOODSHED ON SHIPBOARD.

Tale of Two Ships—The Black Prince and the Port au Prince—The Knife and the Cap-stan Bar—Probable Murder.

A shipkeeper or watchman, named Joseph Cleary, employed on board the steamship Port au Prince, lying alongside the Empire dock, at the foot of Main street, Brooklyn, was arraigned before Police Justice Walsh yesterday, on a charge of felo nious assault. The circumstances attending the crime are sufficiently succinct. If the statements of a witness are to be relied upon, to make a pretty strong case against the accused. It appears that on Wednesday evening, shortly before nightial-, a

FIGHT OCCURRED ON THE FORECASTLE of the ship Black Prince, which is lying immediately outside the Port au Prince. The fracas, while It lasted, was a very lively one, and confined to the crew of the latter vessel, several of whom are black Bad bourbon, peculiar to the Brooklyn liquor stores in the vicinity of the water, led to the unpleasant ness. It was a drawn fight, black and white mariners alike claiming the victory. Certain it is, how-ever, that there were a number of cut heads and bones circulating between decks when the combatants "struck their colors." The most seriously wounded of the turbulent spirits of the "vasty deep," appears to have been a blackguard named Henry Reynolds (colored), who was stabbed with a sheath knife over the left eye. The sight of the blood caused him in terror to seek the shore and medical aid. Repairing to the York street station house he told the story as to how he came by the surgeon, dressed it with court plaster. Thus scientifically cared for, Henry hurried back to the forecastle of

scientifically cared for, Henry hurried back to the forecastle of

THE "BLACK PRINCE."

Here he was surrounded by his shipmates, who had made up their quarrels during his absence and now lent their ears to the recital of the "yarn which he spun" as to how he was cut, doctored, &c. Among his auditors was a "chummy," one John Johnson, boatswain's mate of the ship, whose sympathies which "Harry" had sustained. He was bent upon seeing that Reynolds was righted, that he should have satisfaction, and was indignant when informed that he had not lodged a formal charge against the man who stabled him. Johnson determined at once upon going ashore and seeing the police in regard to the mater. Monthing the side or rail of the stern of the Port an Prince for the purpose of crossing over that vessel to reach the dock, he was in the act of jumping upon the deck when he was prevented from alighting by the watchman, Joseph Cleary, of the latter named vessel, who cried out, "Here, now, don't cross there. I don't want you

TO GO OVER MY QUARTERBECK."

The boatswain's mate, John on, who sat on the rail, expostulated by saying, "Why didn't you tell me so, then?"

Cleary repiled, saying that he had told nim so several times. Johnson angrily exclaimed, "That is a lie. You never told me so before." The ship-keeper retorted—

"I'M a Liar am !?

a lie. You never told me so before." The ship-keeper retorted—

"1'M A LIAR AM I?

Do you call me a har?"

"Yes, I do," was the reply of the petty officer of the Black Frince, who had not moved from his position on the rail of the Port au Prince during the argument. Such is the statement of a seaman of the former ship, one Abraham Anderson, who was present during the conversation, and who says that Cleary, after making the last reply, looked around to get something with which to strike Johnson. Seizing a capstan bar, which was lying on the deck, he

Scizing a capstan bar, which was lying on the deck, he

STRUCK JOHNSON A PEARFUL BLOW
with that bludgeon on the top of the head. The unfortunate man feil back and toppled off the ship's side over into the river. With most commendable bravery and humanity, and at the imminent risk of his own life, the galiant Anderson tossed off his jacket and boots and plunged into the cold ice-crusted water to rescue his insensible and drowning shipmate. Supporting Johnson's head above water and himself, he remained in that perilous pesition for three or four minutes, until a rope was lewered from their ship and both men were hauled up on the deck of the Black Prince.

THE POLICE

of the Second precinct were notified of the occurrence, and at once arrested the watchman, Cleary, upon the charge of felonious assault. Johnson was carried to the York street station house, where he was attended by Dr. Glifflian, who pronounced the man to be suffering from congestion of the brain, and directed his removal to the hospital. At the latter institution his case is recarded as hopeless; the physicians say he cannot recover. Cleary was committed to the Raymond street jail by Justice Waish to await the result of the injuries alleged to have been indicted by him.

NEW YORK CITY.

The following record will show the changes in the temperature for the past twenty-four hours in comparison with the corresponding day of last year, as

The Feast of the Purification was celebrated in all the Roman Catholic churches of this city yester-day morning with imposing ceremonies.

on free exhibition at the Somerville Gallery, will take place at the latter place on Monday evening

A scientific lecture will be delivered before the merican Institute, at the Academy of Music, this (Friday) evening, by Henry Morton, on "Light," with brilliant illustrations and experiments.

The silverware raffle in aid of the Union Home and School will come off as soon as the tickets are all sold. The prizes are on exhibition at No. 19 John street, where the tickets are for sale at one dollar

The next lecture in the free course of scientific ectures for the people, at the Cooper Union, will take place in the great hall, on Saturday evening, at eight o'clock. Subject—"The Microscope and its Revelations," Lecturer—Dr. Adrain J. Ebell.

The pall-bearers selected by the Common Council for County Auditor Watson's funeral were Mayor Hall, Alderman Thomas Coman, Senator Harry W. Genet, Judge John McQuade, Comptroller Richard B. Connolly, Peter B. Sweeny, County Clerk Charles E. Loew, James Barker, Commissioner Owen W. Brennan and Judge Joseph Dowling.

A meeting of the Commissioners of Charities and Correction was held yesterday morning-present, Messrs, Isaac Bell, chairman; Bowen, Brennan, Nichoison and Frear. The resolution passed in respect to the memory of the late Dr. Elliot was inserted on the minutes. Reports from the various officers of the society were read, and the meeting adjourned.

The Thomas Foulke School Association met last vening at the Astor House, with the president, T Francis Gibbons, in the chair, Messrs, Jeremiah Quinlan, Judge Hogan, James B. Mix, Robert Wilson and H. Y. Wemple were elected to membership. It was decided to give a banquet on the 28th day of May, the anniversary of the birthday of Mr. Foulke, the former preceptor of "the old boys," and the gentleman in whose honor the association is named.

The annual meeting of the Real Estate Owners' Mutual Protective Association of the city of New York was held last evening to elect officers for the ensuing year. The following were unautmously elected:—T. Francis Gibbons, President; Philip Schaffer, First Vice President; Charics Goeler, Sec-ond Vice President: Frank Windholz, Secretary; Joseph Haight, Treasurer; John Heszam, Charies J. Goeler, Trustees.

The fifty-third annual meeting of the American Institute was held last evening at their rooms in Cooper Union. The regular annual reports, showing the society to be in a flourishing condition, were read and adopted. Number of members 3,600. Increase of assets from all sources \$50,000. Balance in treasury \$2,400. The following list of officers for the ensuing year was nominated by acclamation:—President, William B. Ogden; Vice Presidents, Charles P. Daly, Hon. Orestes Cleveland, Henry, A. Burr; Recording Secretary, Edward M. Dickersen; Corresponding Secretary, Samuel D. Tilman; Treasurer, Sylvester R. Constock; Board of Managers, Wm. B. Butler, G. Heriot, Charles W. Hull, George Timpson, James Knight, Thomas Rutter, J. T. Smith, W. Shriver, E. S. Dickinson, Charles H. Clayton, Thomas Varker, Alex. M. Eagleson, George Peyton, James H. Sackett, Edward Walker, Wm. Burden, Nathan C. Ely, Charles A. Cook, Stevenson Towle, George Wnitfield, Wm. Collins, Charles McK. Leoser, James B. Young, Henry H. Rogers. Committees the same as just year. Election to be held next Thursday, from three to cight P. M. Cooper Union. The regular annual reports, showing

BROOKLYN TAX COLLECTIONS.

On the 10th inst. and thenceforth throughout the month two per cent will be added to the amount of all taxes collected in Brooklyn which have not been paid in. One per cent will be added each month thereafter until the 10th of the month, when the intherester unit the folded thereto. The total amount thus far collected for city and county purposes is \$8,111,121. The sum of \$5,059,375 was collected up to the 10th of January, the end of the fiscal mouth. During the same period last year \$3,546,784 was received by the Collector. The sum of \$2,838,152 is still due for city taxes.

THE JUMEL WILL CASE.

Striking Exemplification of the Tricks of Lawyers.

Decision by Judge Cardozo Exposing the Trickery and Defeating Its Purpose.

The litigations growing out of the Jumel will case are as annoying to the heirs in possession as they are costly to the heirs claiming, and as familiar to the public as they are amusing. The latest phase in the case is a decision by Judge Cardozo, in which, it will be seen, he handles some lawyers rather severely.

The Judge gave this decision in the case vesterday morning. He said that it was plain upon the papers before him that at the time when the plaintiffs gave the stipulation to try their causes on the first day of the November term in 1869, which was exacted as a condition of granting their motion for a postpone-ment at the October Circuit, they were preparing to remove the causes to the United States Court, and nstead of using the adjournment for the purpose stated they at once proceeded with steps to transfer other conclusion than that the stipulation was not given in good faith, with the intention then of keepgiven in good faith, with the intention then of keeping it, for nothing was shown to occasion a change of inicution occurring afterwards, but that it was given with the design of not complying with it, but for the purpose of assisting the pialatiffs to obtain the requisite delay to enable them to defeat the jurisdiction of this court. The favor of the court was solicited under the presence that it was necessary to enable the pialatiffs to proceed to trial in the State court, when in fact it was for an entirely different purpose—that is to say, to prevent a trial in the State of the delay was not disclosed, but was carefully conceated. The terms required by the court were accepted by the pialatiffs, and that acceptance was calculated and must have been so understood, and therefore it must be assumed was so designed to impress the Court with the beher that the plaintiffs were acting in good faith. It does not help the plaintiffs were acting in good faith. It does not help the plaintiffs were acting in good faith. It does not help the plaintiffs were acting in good faith. It does not help the plaintiffs were acting the object of the application for adjournment and the papers drawn to be used in case such removal were resolved upon. It was rather, he Insisted, a confession against the plaintiffs; for good faith to the Court demanded that the fact that that important point was under deliberation should have been stated. He disliked to be harsh, but he could not avoid the conclusion that this conduct was what plain, honest people would call a fraud. When the causes were called in November the plaintiffs, who, immediately after procuring the adjournment, had taken proceedings for that purpose, suffered default to be taken against them in the State court, and notwithstanding that Judge Ingraham held that the proceedings for removal were invalid and meffectual, they chose to rely upon their on him of States court, concurring with the State court, the did hat the proceedings to remove the cause from its desket. After thi of injention occurring afterwards, but that it was

THE TROTTING CONGRESS.

Members Dilatory in Coming to the Score Officers for the Ensuing Year-Railroad Companies Overhauled.

BUFFALO, Feb. 2, 1871. The Congress met this morning at eleven o'clock, pursuant to adjournment, but the committees not being ready to present their reports the Congress adjourned until eight o'clock in the evening. THE EVENING SESSION.

It was a quarter past nine o'clock before the Committee on Rules announced to the Congress that they had finished their deliberations; but the rules tion, and would not be ready before to-morrow morning. The Committee on Permanent Officers then presented their report. They reported nearly all the names of the old officers for re-election, viz.:--Amass Spragge, of Rhode Island, for President: George H. surer. The Board of Appeal, however, were altered by the substitution of two names, one of which is Mr. Bernard, of Troy, in place of Mr. Lanman, of Reading, Pa., and C. H. Woolley, in place of Mr. Forbes, of Cincinnati. The Board for the year 1871 will be H. S. Russell, of Massachusetts;

the year 1871 will be H. S. Russell, of Massachusetts;
T. J. Vall, of Connecticut; George C. Hall, of New
York; C. J. Hamiin, of New York; Gates H. Barnard,
of New York; Charles H. Wooley, of Ohio; David A.
Gage, of Illinois; K. C. Barker, of Micnigan.
Debate then followed on a place of meeting for
the next Congress, but was not settled when a motion to adjourn until half-past ten o'clock to-morrow
morning was passed. Previous to adjournment Mr.
C. H. Woolley, of Cincinnati, made the following
remarks:—

remarks:—
Mr. Chairman—I call attention of the Congress to the fact that though we represent millions of property, sestered through thirty States and affording a revenue valuable in its nature to every rational in the country, this Convention is the only one of a national character to the members of which they refuse recognition.

RRAGKILVY ROLLEDS

Quarterly Report of the Inspector of Boilers. Mr. Thomas F. Powers, the Inspector of Boilers for Brooklyn, has submitted his quarterly report to the Board of Police Commissioners. The number of boilers inspected during the last three months i 423: tested hydrostatically, 201: total number evamined and tested, 624. The number of steam boilers found defective was 33; gauges, 21; safety valves, 8; gauge cocks, 24; leaky joints, 23; stop valves, 8; steam boilers condemned and removed, 5. All of these defects have been remedied. There were 319 applicants for certificates to take enarge of boilers and engines, 235 of whom were found competent, and 84 were rejected as Meing unqualified for the certificates which they sought. The inspector reports that "there were two steam boilers which had "stop valves" placed between the "safety valve" and boiler, thereby shutting off the communication between the two, and causing the latter to be in an unsafe and dangerous condition. Attention is also called to the fact that persons having steam boilers erected do not, in many instances, know the danger of blacing the appliances in an improper position. If more judgment were used in this particular, there would be no accidents. An explosion of a steam boiler occurred on the 29th of December, killing three persons, including the engineer, who was in charge at the time of the explosion. Negligence on the part of the engineer, in falling to have the proper supply of water, was the cause of the accident. found defective was 33; gauges, 21; safety valves, 8

COLLISION ON THE ERIE RAILWAY.

About daylight yesterday morning a collision occurred between two freight trains on the Eric Kailway, near the Paterson depot. The front train bound west, had stopped, and the rear train, being a west, had stopped, and the rear train, being a very heavy one, came around the down grade curve, and could not be stopped before it struck the rear of the first train. The caboose and two freight cars of the latter were partially demolished, spilling out a large quantity of groceries, with which they were laden. The fore part of the locomotive of the rear train was somewhat shattered, the smokestack and headight being carried away. No one was injured, and under the circumstances the accident seems to have been unavoidable. The track was obstructed for an hour.

Shortly after eight o'clock on Wednesday evening a three story frame building, owned and used as a carriage manufactory by Joseph Kcal, at Tremont, Westchester county, caught fire in some manner unknown, and notwithstanding the vigorous efforts of known, and notwithstanding the vigorous efforts of the firemen was wholly destroyed. The structure and contents were valued at \$8,000 and were fully insured. A tenement house adjoining was also con-sumed, barely allowing the members of several poor families to escape with their fives and a fraction of their scanty effects. The latter was not insured and the loss thereon is about \$2,500. It is believed that the fire was occasioned by an incondigaty.

AMUSEMENTS.

STADT THEATER-"TAUSCHUNG AUF TAUSCHUNG."-

The beautiful and really very remarkable drama of

which the German name heads our notice, and may be freely translated "Deception on Deception," was presented in fine style Tuesday night by the Sec-

bach company, under Mr. Grau's able and judicious

management. That most commendable characteristic

the German stage, never to slight a piece

or disappoint an audience, because of very unfavorable weather and lessened attend-ance, we have frequently praised as it deserves, and it never became more conspicuous. Few people but those whose business compelled them to people but those whose business compelied them to saily forth could have been tempted into the frightful inundation of slush and mire that deluged our streets all day and was made still more atroctous at nightfull by a crizzling rain that continued steadily for hours. It was a compliment, then, to the fine entertainments of the "Stadt" that so goodly an array of spectators should have assembled and have manifested such hearty gradification at the piay. The piece was one of the most bizarre and pleasing that the European boards, not to say our own, have ever witnessed. Its author has, from first to last, maintained the strictest incognito, but is supposed to be a personage of such position as made him familiar with the secrets of court and diplomatic life in the Oid World, and so cuabled him to reproduce their most peculiar phases with an experienced hand. The drama abounds in love, intrigue and the most trying situations, and the scene being laid in the time of Phillp V. of Spaim, introduces to us that Princess Anna Maria Orsini, rendered with really distinguished power by mile. Veneta: Francisco di Parma, by Mr. Patsch; Cardinal Guidice, by Mr. Dombrowski; De Bazan, secretary of the Holy Hermandad, by Mr. afailer: Father Robinet, Josuit confessor to the King, most powerfully portrayed by the finished art of Mr. harry, and the celebrated Elizabeth Farnese very gracefully and sympathetically given to the beauteous life by Miss Bissenger. There were other parts, male and female, conscientionsly and strikingly carried through, and thus the entire performance was made a triumph over all opposing chances.

Wednesday night Mme. Seebach appeared as Juliet, with Mile. Veneta as lover to the beauty of Verona; and all who remember or have heard of the exquisite pathes of the piay as Schlegel has translated and as the German tragetienne repeats its inspiration might well regret not to have beheld the effort that we now briefly record. When Seebach and Veneta played together in this most beautiful of the Shatsypeatian love sally forth could have been tempted into the fright-

GRAND OPERA HOUSE. -On Wednesday Offenbach's "Barbe Bieue" was successfully brought out again, Mile, Lea Silly making her first appearance as Bouportunity to evince her great versatility of talent both as singer and as actress. She retained beneath the white robes of the rosière and the bridal splendor of her presentation as Barbe Blene's sixth wife, at the court of King Bobeche all the exuberant fun and the brusque manners of the peasant girl Boulotte. In the closing and amusing scene of the second act she imparted something of her own animation to all who surrounded her, and she was twice encored when she sang

Pourquot partir!
Je commencais a m'divertir.

Throughout the entire piece ner personation of Beulotte was such as to satisfy and delight the most fervent admirers of her predecessors in this entertaining rôle. Mile. Suzanne Thai made a buriesquely royal Queen Clementine and Mile. Hache a pretty Princesse Hermia. M. Duchesne was droil enough as King Bobeche, especially when he acted as master of ceremonies at his own court, in the capital seene which satirizes courtly etiquette. Mr. Girrebeuck sang correctly, of course, as Barbe Bleue, but his voice and method are more suitable for opéra comique than for opéra bonge. It would be impossible for any artist to make a New York audience forget M. Anjac's Barbe Bleue, M. Hittemans (Count Oscar) is one of the few of the present company who possess much of the real vis comica. M. Varlet played the part of Popolani and M. Valter that of Prince Saphir. On the whole the success of "La Périchole" could not have been more agreeably interrupted than it was by that of Mile. Silly as Boulotte in "Barbe Bleue."

MUSIC AND THE DRAMA.

Miss Adelaide Phillips and Levy, the "tooter," anpeared in Atlanta, Ga., on Saturday. They were fol-lowed by the "wonderful Sappho" and an English

comic opera troupe.

Fechter and Miss Leclercq opened the new Pittsburg Opera House on Monday. His terms are enormous, and will tax manager Canning's wits to meet them. Mr. Gotthold delivered the opening address. Mrs. Bowers is this week's star at McVicker's. Chicago. Nilsson is announced at the Opera House for Saturday; but her illness will doubtless interfere.

for Saturday; but her illness will doubtiess interfere. A new theatre in Jacksonville, Fia., rejoices in the title of Hog's Hail.

Mr. and Mrs. Florence played "ishnavogue" in Rochester on Monday to a crowded house, and were received with the highest enthusiasm.

Vining Bowers, Eberie and Miss Dergon are playing comedy in Houston, Texas.

Miss Jenny Busk, the clever young American prima donna, will sing a new vocal waltz, "The Return," on Tuesday next, at Steinway Hail.

Rose and Harry Watkins are great favorites in Richmond, judging from the success of their engagement there last week.

The Holland testimonial at the Boston Globe on Tuesday alternoon was very successful. The bill was very attractive and its chief features were J. W. Wallack and Mrs. Chan frau.

Walter Montgomery has a benefit at the Boston theatre on Friday. The Zavistowskis are at the Howard and Kate Reignolds at the Boston Museum. Hess & Co.'s English Opera Company play this week in Washington. Mr. Theodore Thomas announces two grand concerts at Lincoin Hail on the sth and 9th insis, at which his unrivalled orchestra and Miss Fanny Menlig will appear.

Miss Lina Edwin made her bow at the Holliday, Baltamore, on Monday, in "Jack Sheppard." She became a favorite with the public at once. Her engagement lasts but this week.

Manager James Schooles and James Hays, of the Memphis Varieties, have been indicted by the Grand Jury of that city for setting fire to Broom's Opera Honse, a rival establishment. The incendiary manager's motive, according to a witness, was that he might be "boss of the town."

New Orleans amusements are dull this winter. Lucille Western took her leave of the Academy of Manager James Look of the Academy of the academy of the contract of the Academy of the Academy of the Academy of t

he might be "boss of the town."
New Orleans amusements are dull this winter.
Lucille Western took her leave of the Academy of
Music on Saturday, Lotta is at the St. Charles, and
Lefranc is on the high C of success at the Opera

House.
The Springfield (Ohio) Advertiser is hard on ushers The Springfield (Ohio) Advertiser is hard on ushers in that locality. It says:—"In time of public entertainments the Opera House has a force of four or five ornamental appendages, miscalled ushers. It appears to be the duty of these things to congregate around the entrance and stare and gape at those who come in. If a gentleman and lady request a seat they stand and point it out. To move their carcases around the house to find seats for the seatless is such a work of exertion that they prefer to sit still. A few wooden men, stationed at convenient distances in the aisles, would be quite as serviceable and far more ornamental."

Poor Nitsson! She has been the innocent cause of more newspaper twaddle than even a popular candidate for office. Here is another specimen from the Toronto Evening Express.—"When she of the incomparable voice lately appeared in cratorio in the metropolis her eyes were cast down as she gave "How Beautiful Are the Feet," and Nilsson's own pretty little feet at the time were encased in deleate

"How Beautiful Are the Feet," and Nisson's own pretty little feet at the time were encased in delicate white satin stippers, and the audience were led to believe that Handel's sublime hymn referred to those particular pedal extremities." What next?

Cyrille Dion Willing to Satisfy Mr. Rudolphe. NEW YORK, Feb. 2, 1871. Learning that Mr. A. P. Rudolphe has at different

times and in different places, within the past fortyeight hours, expressed a desire to "piay somebody," I beg you will accord me sufficient space to announce my willingness to accommodate him.

I will play him on the same terms as our last cor test, with the exception as to odds, viz :- An even game, 2,000 points up, on a 5 1/2 x11 Phelan & Collect der four-pocket table, with 2%ths inch balls, for \$1,000 or more a side, but not less than \$1,000. Contest to take place six or ten days from date, or Contest to take place six of ten days from date, or as soon as the public building in which we last played can be secured. If neither that nor any other suitable public nail can be had I will play Mr. Rudolphe on the same terms in private. Will mee him or his representative at the office of the Cupper this afternoon, at two o'clock, to sign articles, de posit half forfeit, and appoint final stokeholder.

CYRILLE DION.

THE CASE OF FILKINS, THE ALLEGED EXPRESS RCBBER. ALBANY, Feb. 2 1871

In the case of Flikins the counsel for the prisoner o-day urged that the trial be put off until the next Court of Over and Terminer, in May. The District Attorney, on the other hand, insisted that the trial should take place at an adjourned term of the court, in a tow weeks, while the facts are fresh in the minds of the witnesses. A further hearing in the matter will take place on Saturday. Halpine is able to walk abou in the hospitale.

THE WESTCHESTER WILL CASE

Continuation of the Testimony in the Buck sing Legacy Matter.

Domestic Broils and "Striking" Arguments-All leged Heartleseness of the Legatee Toward His Sisters-Graphic Portrayal of "the Borrows of a Poor Old Man"-Affecting Reminiscences of the Testator's Troubled Life.

The hearing of testimony in the Bussing will case, now pending before Surrogate Coffin, of West-chester county, particulars of which have appeared in the HERALD, was resumed at White Plains on Wednesday. Throughout the county an unusual amount of interest is felt in the proceedings, owing to the social position of the litigants, as well as to the not inconsiderable amount of property at issue. Susan Duryea, examined by counsel for the contestants, testified as follows:-- I am the daughter of Mrs. Ryer and granddaughter of John Bussing, Sr., deceased; I resided with the deceased about twenty years; I was only three to four years old when I went to live there, and I remained there until three or four years ago; during my residence in the family E had good opportunities for knowing how things were going on in the house; when I first went there grandfather was keeping his bed; about three

or four years ago John (the son) WANTED HIS PATHER TO MAKE A DEED of the place to him; I don't think any persons were present except grandfather, John, grands my sister and myself; on one occasion, when my sister Abby was present, he wanted a deed-he wanted to be "safe;" my grandfather replied that he thought it would do very well as it was; John then said that he thought he ought to have the deed; he spoke quite loud, as he generally does; he was

TALKING LOUDLY AND SWEARING: he struck the wall: I was in the adjoining room at the time he struck the wall and the bureau with his fist; I had left the room because he was in such a rage: grandmother was saving something about will, and that grandfather should keep the property in his own hands; she thought that John ought to be satisfied with the will as it was; I left the room where John was because I was frightened; he was in the habit of talking very loudly; he did not wish his mother to have control of the personal property; the quarreling was all about the deed which John wanted; Mr. Purdy brought the deed there for

the quarreling was all about the deed which John wanted; Mr. Purdy brought the deed there for grandfather to sign and he refused to sign it; John appeared to have a controlling induence over his lather; I have known grandfather to refuse to grant John's request, but John generally kept HARASSING HIS FATHER INTELLIGIATION HARASSING HIS FATHER HARA

built, but I do not know who paid for them; just before John got the deed there was

SOME TALK OF SELLING THE PLACE
to Dr. Peters, and John was then opposed to the
sale; grandfather was opposed to making a deed; he
said be had made a will and did not want to do
anything more about it.

Direct examination resumed—When grandfather
stayled that If it had not been for John the will
would not have been made my mother was present
at one time and my grandmother was there at
another; I saw the second

HOLE IN THE WALL.

directly after it was made; both holes were made
on the same day.

Abby Ryer having been placed on the witness

directly after it was made; both noies were made on the same day.

Abby Ryer, having been placed on the witness stand, testified for the contestants as follows:—I am a daughter of Mrs. Ryer; I am sixteen years old; I remember being at grandfather's house one day when I heard a great deal of quarrelling; uncle John was quarrelling with grandfather about the deed; he wanted the deed, and his mother did not want him to have it; uncle John wanted his faither to sign it, and the latter did not wish to do so; grandmother sat by the side of the partition wait, and John struck the wall just above her head; perhaps six inches above; he made a hole in the wall with his fist; I cannot have he want but he swore, using

wait, and John struck the wail just above her head: perhaps six inches above; he made a hole in the wall with his fist; I cannot tell the exact words he used, but he swore, using the expressions Jesus Christ and G.—d d.—n to his father and mother, because they were not willing to give him the deed he wanter; I saw him knock very hard on the bureau; grandiather then said,

"FOR GOD'S SAKE, DO NOT KILL MOTHER, and I will give you the deed;" as soon as uncle John began to strike the bureau he said he wanted the deed; I heard grandfather say that he did not want to give uncle John the deed; I was twelve or thirteen years old at this time.

Mary Jane Ryer testified:—I am a daughter of John Bussing, Sr., deceased, and sister of John Bussing, Sr.; I have lived in Westchester since last April; I have lived away from home twenty-six years, since I was married; during that time I have been in the habit of visiting my father's family almost weekly; my father took to his bed about twenty-five years ago; after this he became very gloomy and melancholy; he had an idea that everything on the farm was going to destruction; he was afraid of coming to want; he had some money, but he would not let it be invested, as he was afraid he mignt need it; he had no physical aliment; he was quice well at heart and generally had a very good appetite; I

vite; I

NEVER HEARD HIM COMPLAIN

of his back or of any spinal affection; I have heard
him sing, while in bed, sometimes hymns and occasionally songs; he never sang in bed before he
took to it; he would sometimes ask whether matters about the house had been attended to er not,
but he did not seem to have much to say; I saw
that he could move about with ease and comfort. As
ne did before taking to his bed; his conduct to me
was very affectionate, and also towards my sister,
Mrs. Tier; one day when Mrs. Tier, in my presence,
was taiking to him about his will

HE CRIED

was taiking to him about his will

HE CRIED
and said that he could not do with his own as he would wish; we were talking to him about John having so much and we so little; he did not say who would not let him do as he liked; he cried and said

HE WISHED HIMSELF DEAD;
I heard John threaten to leave father, a great while ago; in speaking of the will one day, John sand it was his will; I complained of the will doing me great injustice, when my father remarked that it thad not been for John there never would have been any will; I know of cases of insantly in the family; one was Mrs. Berrian, mother of Nathaniel Berrian; she was out of her mind; she was always scolding and would lie in bed for weeks together; I never heard of her boing in liquor; I have heard my brother John use very violent and profane language in his father's presence.

At this stage of the proceedings the case was again adjourned.

THE WEEKLY HERALD.

The Cheapest and Best Newspaper in the Country.
The WEEKLY HERALD of the present week, now

ready, contains a splendid map of the German campaign in France, together with the very latest News by the Cable up to the hour of publication of the Great European War; also Telegraphic Despatches from All Parts of the World; an account of the arrival of the Russia with the balance of the Fenian Exiles, and their reception in this city: Thrilling Tale of a Shipwreck on the New Jersey Coast; Other Jersey Coast Disasters; Terrible Collision of the Steamship Kensington and the Bark Templar at Sea, both vessels being totally wrecked; Another Western River Horror: Execution of Charles Jolly, Jr., and John Armstrong, the Murderers of the Lepine Family, at Potosi, Mo., and also the Execution, at Movamensing Prison, Philadelphia, of John Hanion, the "Philadelphia Beast." contains the latest news by telegraph from Washington: Artistic, Fashionable, Religious and Sporting Intelligence; Obituary Notices; Amusements; Varieties; Facothe: Editorial Articles on the prominent topics of the day; Our Agricultural Budget; Reviews of the Cattle, Horse, Dry Goods and Boot and Shoe Markets; Financial and Commercial Intelligence, and accounts of all the

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